



Michigan National Organization for Women

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**Testimony of Renee E. Beeker
President
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**Submitted to the Family and Child Services Committee
Hearing on House Bill 5267 December 6, 2006**

My name is Renee Beeker. I am the President of the Michigan National Organization for Women. NOW is the oldest and largest feminist activist organization in the United States, advocating for women's equal rights, of which Michigan NOW has more than 5000 members and supporters. I would like to thank the Committee and Representative Stahl for the opportunity to voice our concerns regarding House Bill 5267.

Michigan NOW is opposed to House Bill 5267 that will **mandate** joint custody unless an objecting parent can prove with "Clear and Convincing" evidence the other parent is unfit. This higher standard of law will make it especially more difficult for battered women to protect their children and self from abusive ex partners.

There is a crisis for women and their children in the family law courts of Michigan and across the country. The existence of this crisis is affirmed by experts and leaders in the women's movement, and painfully verified by women in every state who report injustice in their family law cases. The family court system is being exploited by abusers in an attempt to maintain control over their victims through extensive and costly litigation. This crisis is especially dangerous for battered mothers trying to protect their children from abusive fathers who aggressively litigate against them. These fathers are using family courts to stalk, harass, punish, and impoverish their former partners and children. Abusers frequently use joint custody to prevent victims from leaving. Most victims of abuse would rather stay than risk leaving a child alone with an abuser. When abuse victims do leave, the abuser often continues to use joint custody as a legal method to control the parent and child victims.

Mandating Joint Custody will not improve parental cooperation in cases with conflict or abuse issues. Mandated Joint Custody will only increase the conflict in these situations, by placing the children in the middle, and resulting in more trauma. The result is a further decreasing the protective parents ability to protect their children. Additionally, in Michigan, when a parent does not agree with joint custody out of fear for a child's safety, they are often viewed as the uncooperative or "UNFRIENDLY" parent. This is true even in cases of domestic violence, substance abuse, and untreated mental illness. Mandated Presumption of Joint custody would make it more difficult for the protective parent to overcome the BIAS when attempting to protect their children.

NOW's purpose is to take action to bring women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men.

To make the *presumption* that all couples seeking divorce or custody arrangements, whether married or never married, should have JOINT CUSTODY, has the potential to be extremely dangerous. This presumption results in placing the family in danger first and asking questions later. Women are often left with few resources and forced to prove abuse often with little or no legal representation. This places the victims in potential danger with no real hope of gaining any form of protection.

Mandated Joint Custody could also create particular hardships for low-income families, which are often women with children. This is especially true for Temporary Assistance for Needy Families (TANF). TANF requires a parent to have custody the majority of the time in order to be eligible for many benefits.

My father once said to me to *presume* is dangerous.

Michigan NOW urges you to make NO presumption that Mandated Joint custody would serve the children of Michigan. Vote NO on HB 5267.

Thank you.

Renee E. Beeker
President
Michigan National Organization For Women

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